

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,
Plaintiff,

v.

HTC CORPORATION, et al.,
Defendants.

Civil Action No. 6:13-cv-507

Consolidated Lead Case

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,
Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., et
al.,
Defendants.

Civil Action No. 6:14-cv-759

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,
Plaintiff,

v.

LG ELECTRONICS, INC., et al.,
Defendants.

Civil Action No. 6:14-cv-982

JOINT MOTION TO SEVER

Plaintiff Cellular Communications Equipment LLC and affected Defendants to each of the above-captioned actions (collectively, “the Parties”) jointly move the Court to sever all claims pertaining to U.S. Patent No. 7,218,923 into separate constituent actions as set forth in the

Relief Sought section below. Upon severance and assignment of new civil action numbers, these cases would be consolidated for pre-trial purposes.

Claims pertaining to the '8923 patent were stayed in Civil Action No. 6:14-cv-759 pending final written decision in an *inter partes* review styled as, *HTC Corp., et al. v. Cellular Communications Equipment LLC*, No. IPR2014-01133 (P.T.A.B. filed Jul. 10, 2014). *See* Dkt 154. On January 4, 2016, the PTAB issued its Final Written Decision in CCE's favor, finding that the challenged claims had not been proved invalid. The Court lifted the stay shortly thereafter. However, after the Court lifted the stay, the PTAB instituted a second *inter partes* review involving the '8923 patent styled as, *Samsung Electronics America, Inc. v. Cellular Communications Equipment LLC*, No. IPR2015-01927 (P.T.A.B. filed on Sept. 17, 2015). The institution decision of March 15, 2016 involves all '8923 patent claims asserted in the above-captioned CCE actions.

Relief Sought

In view of the IPR institution involving the '8923 patent, all affected parties to the above-captioned actions agree that the most efficient course of action is to sever all claims pertaining to the '8923 patent into new actions. The new actions would be consolidated for pre-trial purposes. The parties agree that the claims pertaining to the '8923 patent should then be stayed pending the outcome of the IPR.

Specifically, this requested relief would result in the '8923 patents being severed from Civil Action Nos. 6:13-cv-507 (HTC and carrier co-Defendants), 6:13-cv-511 (ZTE and carrier co-Defendants), 6:14-cv-759 (Samsung and co-Defendants), and 6:14-cv-982 (LGE and co-Defendants). The '8923 patent is not asserted in Civil Action Nos. 6:13-cv-568 (Amazon and AT&T) and 6:14-cv-251 (Apple and carrier co-Defendants).

The constituent -507 actions would otherwise remain on their present schedules with the first trial set to begin on September 6, 2016. The -759 case would remain on its present schedule with trial set to begin on November 7, 2016. The -982 action would remain on its present schedule with trial set to begin on February 6, 2017.

For the foregoing reasons, the parties in each of the above-captioned cases jointly file this motion respectfully requesting that the Court enter the proposed order attached hereto.

Dated: April 15, 2016

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

In accordance with Local Rule CV-7(h), the undersigned certifies that counsel for CCE conferred with counsel for all Defendants in the subject cases. The Parties are in agreement as to the relief sought and, therefore, jointly bring this motion.

/s/ Edward R. Nelson III

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served on all parties of record on April 15, 2016 via the Court's CM/ECF system.

/s/ Edward R. Nelson III